Gaps in the Election Process and the Voter Rights of Third Gender Population in Bangladesh

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<table>
<thead>
<tr>
<th>Topics</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgments</td>
<td>3</td>
</tr>
<tr>
<td>Abbreviations and Acronyms</td>
<td>4</td>
</tr>
<tr>
<td>Executive Summary</td>
<td>5-8</td>
</tr>
<tr>
<td><strong>Chapter One: Understanding of the Assignment</strong></td>
<td>9-10</td>
</tr>
<tr>
<td>1.1 Background and Introduction</td>
<td></td>
</tr>
<tr>
<td>1.2 Project Goal</td>
<td></td>
</tr>
<tr>
<td>1.3 Project Objectives</td>
<td></td>
</tr>
<tr>
<td>1.4 Purpose of the Study</td>
<td></td>
</tr>
<tr>
<td>1.5 Objective of the Study</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Two: Literature Review</strong></td>
<td>11-15</td>
</tr>
<tr>
<td>2.1 Transgender in Asia Pacific Region</td>
<td></td>
</tr>
<tr>
<td>2.2 Transgender in Bangladesh</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Three: Detailed Methodology</strong></td>
<td>16-20</td>
</tr>
<tr>
<td>3.1 Nature of the Study</td>
<td></td>
</tr>
<tr>
<td>3.2 Secondary Review</td>
<td></td>
</tr>
<tr>
<td>3.3 Focus Group Discussions (FGD)</td>
<td></td>
</tr>
<tr>
<td>3.4 In-depth Interview (IDI)</td>
<td></td>
</tr>
<tr>
<td>3.5 Key Informant Interview (KII)</td>
<td></td>
</tr>
<tr>
<td>3.6 Study Participants Tools and Study Design</td>
<td></td>
</tr>
<tr>
<td>3.7 Tools Development</td>
<td></td>
</tr>
<tr>
<td>3.8 Data Collection</td>
<td></td>
</tr>
<tr>
<td>3.9 Field Survey Team</td>
<td></td>
</tr>
<tr>
<td>3.10 Work Plan</td>
<td></td>
</tr>
<tr>
<td>3.11 Limitation</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Four: Findings of the Study</strong></td>
<td>21-34</td>
</tr>
<tr>
<td>4.1 FGD Findings</td>
<td></td>
</tr>
<tr>
<td>4.2 Key Informant Interviews</td>
<td></td>
</tr>
<tr>
<td>4.3 In-depth Interviews</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Five: Discussions and Gaps in the Election Process</strong></td>
<td>35-37</td>
</tr>
<tr>
<td>5.1 Discussion</td>
<td></td>
</tr>
<tr>
<td>5.2 Gaps in the Election Process</td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Six: Conclusions and Recommendations</strong></td>
<td>38-40</td>
</tr>
<tr>
<td>6.1 Conclusions</td>
<td></td>
</tr>
<tr>
<td>6.2 Recommendations</td>
<td></td>
</tr>
<tr>
<td><strong>Recommended Citation</strong></td>
<td>41</td>
</tr>
<tr>
<td><strong>Appendixes: Study Tools</strong></td>
<td>42-48</td>
</tr>
<tr>
<td><strong>Reference</strong></td>
<td>49</td>
</tr>
</tbody>
</table>
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### Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>BHS</td>
<td>Badhan Hijra Sangha</td>
</tr>
<tr>
<td>BLAST</td>
<td>Bangladesh Legal Aid and Services Trust</td>
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<tr>
<td>BANDHU</td>
<td>Bandhu Social Welfare Society</td>
</tr>
<tr>
<td>CBO</td>
<td>Community Based Organization</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussions</td>
</tr>
<tr>
<td>GDP</td>
<td>Gender Diverse Population (People)</td>
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<tr>
<td>GO</td>
<td>Government Organization</td>
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<td>GOB</td>
<td>Government of Bangladesh</td>
</tr>
<tr>
<td>IDI</td>
<td>In-depth Interview</td>
</tr>
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<td>KII</td>
<td>Key Informant Interview</td>
</tr>
<tr>
<td>MLJPA</td>
<td>Ministry of Law, Justice and Parliamentary Affairs</td>
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<td>MOE</td>
<td>Ministry of Education</td>
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<td>MOLE</td>
<td>Ministry of Labour and Employment</td>
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<td>MOSW</td>
<td>Ministry of Social Welfare</td>
</tr>
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<td>MOWCA</td>
<td>Ministry of Women and Children Affairs</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Government Organization</td>
</tr>
<tr>
<td>NHRC</td>
<td>National Human Rights Commission</td>
</tr>
<tr>
<td>NLASO</td>
<td>National Legal Aid Service Organization</td>
</tr>
<tr>
<td>TGP</td>
<td>Transgender People</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
</tbody>
</table>
Executive Summary

With support from United States Agency for International Development (USAID) Bangladesh, Bandhu Social Welfare Society implemented a one year project titled ‘Human Rights in Development’ (USAID’s HRID) from 15 June 2015 to 14 June 2016. The project worked towards promoting and protecting the human rights issues of the gender diversified population in the country with a focus on creating a supportive social, policy and legal environment to enable the targeted population to more effectively respond to basic human rights in Bangladesh and exercise those rights, and to access state and non-state opportunities and services. The project continued for another two years with similar title ‘Human Rights in Development’ (USAID’s HRID) from 15 July 2016 to 14 June 2018 with commendable achievements and many tangible results towards promoting and protecting the human rights issues of the gender diversified population in the country. From 15 July 2018, the project is continuing for next three years with project title “Rights for Gender Diverse Population (USAID’s RGDP from 15 June 2018 to 14 June, 2021).

These projects explored means and ways to taking up human rights challenges faced by gender diverse population in Bangladesh, and formulate ways of documenting and dissemination the findings to national and international Human Rights bodies in an attempt to mitigate the situation and to protect the rights of gender diverse population. This study involves illustrating the situation of transgender communities living in Dhaka, Narayanganj, Rajshahi, Chottogram and Mymensingh and understanding key informants in addressing socio-economic, legal and human rights status of third gender population and presenting the findings at a seminar/dialogue with policy makers and key stakeholders to bring positive changes in the lives of transgender communities living across Bangladesh.

The purposes of this study are to: Analyse current situation of socio-economic, legal status and human rights of third gender population; Analyse the underlying issues and gaps about the election process and the voter rights of third gender population; and Explore feasible ways and means to minimize the gaps about the election process and voter rights of third gender population.

The study followed primary and secondary research techniques. Four (4) Focus Group Discussion (FGD) were conducted with the third gender population from Dhaka, Chottogram, Mymensingh and Rajshahi, five (5) In-Depth Interviews (IDI) were conducted with various stakeholders at local and national level and 12 Key Informant Interviews (KII) were conducted with the relevant key officials such as a Lawyer from Supreme Court; Chairman-National Human Rights Commission; Director General, Prime Minister Office; Chairman, Labor Court; Secretary, Election Commission; Director, Secondary Education; Former Minister of Social Welfare; and several Joint Secretaries from relevant ministries. Several structured guidelines/checklists were followed by the consultants under the guidance of Bandhu.

The study findings show that, transgender communities in Bangladesh welcomed their newly acquired status of "Third-gender communities" and few of them find the announcement made a ripple-effect in the socio-cultural context of their lives. They are now courageous and empowered in some areas. Parbati Hijra (FGD, Jurain)said,"We were treated as aliens in the past. Now, people talk to us... We cast votes with some hassle and tussle. In 2008, I was kicked from polling booth on the ground of my gender identity." Lara said,"I am relieved. We cast vote recently... Sadly we are still men in the documents. We stood in men's queues and that disturbs us."Nevertheless, the transgender community face discrimination to avail basic human rights in terms of shelter, education, health, safety and legal rights. Mithila (FGD, Chottogram) added,"Honourable Prime Minister of Bangladesh, recognized us as 'third genders'. But this recognition isn't reflected in the relevant documents, there is no reflection of this change in the attitudes of public and service providers and services. We could not vote freely."

This study noticed that, in most cases, stigma starts in the family. Family members with gender diverse adolescents are neglectful, harsh and discriminatory toward them. Their gender inappropriate behaviour is not accepted in schools and peer-groups. Poor education level is one of the main contributors of social exclusion for transgender people. One participant said, "Transgender people are humiliated at workplace.
They can’t get public and private job because of their gender identity. They are judged on the ground of gender, not by their calibre. Co-workers and employers seek opportunities to molest their. People don’t like to see us in the polling booths too."Ministry of Social Welfare, Bangladesh invited transgender people to apply for Government job in 2015. FGD participants said that applicants had gone through disrespectful screening and many of them were called off on the ground of fake Hijra identity. Participants had resentments over healthcare facilities in Bangladesh. Lara (FGD, Jurain, Dhaka) said,"I prefer taking medicines from Bandhu and related organizations." TGP's have no access to most of the public and private hospitals. As there is no queue for transgenders, they get verbally and physically abused by public in the queue. Transgenders are shy to express their health issues to doctors."Sabur(FGD, Rajshahi) said,"Male's queue wants us to go to female's queue!Female queue wants us to go to male's queue. Doctors hesitate to touch us while doing medical assessment." Participants said that recognition did not bring any difference in seeking safety and legal help from law enforcers too. "Sometimes we are called in the police station at night. They demand money from us and coerce us to have sex. We are having hard times."

Transgender communities face another challenge inheriting properties from parents. They are not mentioned in property and inheritance laws and policies. Therefore, they claim share of parental property either as males or females. Lakshmi (Rajshahi) said,"I didn’t claim parental property out of shame."

Although participants were treated more respectfully in casting votes in the polling booths of the last election, they resented that there was no specific queue or slot for "transgender" communities. They had to vote either as a male or a female. Participants expected voter list would have had slots for them. About their participation in election process, Siddiquur (FGD, Rajshahi) opined,"We can’t contest in election. Nobody will accept us. We can’t participate in election campaign. We are stopped!"

Key informants expressed their expert views about socio-economic, legal and human rights issues. In their opinions, third gender communities in Bangladesh are experiencing discriminations and there are underlying gaps and issues about the election process and voter rights of third gender population. Former minister for Social Welfare, Rashed Khan Menon said with disappointment that, “EC officials’ perception on third gender community is not clear.” Dr. Md. Shahjahan (Chairman, Labor Court) added, “If the letter from NHRS does not sensitize the Election Commissions Secretariat, no change will be made in years. If Election Commission does not make an amendment in voter’s list, NGO networks should take a collective action to persuade EC to make an amendment…”

Key informants noted that an accurate census of TGPs must be made. Minister Menon opined, “Nothing can be done further for the community without an accurate census.” Tariqul Alam, Joint Secretary, BBS said, “We are trying to conduct an inclusive census for the Hijra communities. …we have already included Hijra category in our upcoming National SME Survey.”

Public mindset is still acrimonious toward TGPs with the visibility of little improvement. That reflects on policy making, law enforcement and service delivery. Many key informants think if clarity, completeness and social justice are incorporated in our existing laws and policies, improvements will show up amid stigma and prejudice. The key informants are in full praise of the activities of Bandhu Social Welfare Society and related organizations. NHRC chairman thinks Bandhu Social Welfare Society deserves all credits for the current improved conditions of TGPs. If Anti-Discrimination Act 2014 is passed with a definition of TGP and an accurate census, it will be easy to link with other laws and polices beneficial to Hijras in Bangladesh.

Whereas GoB’s recognition and Article 27 proved as protective factors, section 377 of panel code, current inheritance laws and withheld Anti discriminatory Act 2014 made Bangladeshi Hijras position discriminatory. Department of Social Welfare opened several schemes for TGPs as parts of social inclusion process. No scheme has been proved very effective. TGP’s social condition could be improved if loopholes of policies and laws were fixed. Participants in FGD, KII and IDI believe if Anti-Discrimination Act 2014 is passed, stigma and prejudice can be reduced against TGPs in workplace,
educational institutes and social arenas. People will stay away from exhibiting discriminatory behaviour in the fear of being punished.

The study observes that it’s challenging to get a sensitized and inclusive society in the short run where all communities will participate as per capacity. Deep-seated stigma and prejudice make it impossible for authorities to take steps in taking Hijras away from the control of Guru Maa and rehabilitate them in mainstream society. FGD participants and key informants said that a transgender adolescent could thrive in the family. If family and school are sensitized, transgender adolescent can be protected from the traps of Guru Maa. Therefore, it is recommended to continue with advocacies at multi-sectorial levels.

Transgender voters were treated somewhat respectfully in polling booths in recent national election comparing to past elections. But they faced identity challenge as voter list had not included any slot for transgender people. Therefore, they had to go by the gender identity recorded in official documents. The participants lauded that three Trans women would be contesting for reserved women’s seats and are hopeful about more TGP’s participation in active politics. But Rofiqul Islam (Deputy Manager; Bandhu Social Welfare Society) doubts about TGP’s scope to participate in active politics as they are often victims of ‘body politics’.

EC was expected to have amended voter list form before national election 2019. This study identified few potential issues while enquiring about the organization’s inability to include transgender population in the voter list. It took four (4) long years for EC to feel the need in 2017 that TGPbs be included in voter lists. But they kept the matter on hold till Election 2018 as most of the voter lists were printed in old formats by that time. Question arose, why an important government agency had missed to take the matter on board soon after election 2013 and government’s recognition. It could be argued that lack of communication between government bodies, stand-alone government services and dearth of sensitization are in many ways responsible for why the Social Welfare Department failed to contact EC before election.

The study team had gained an idea that without changing the mind-set of Election Commission Secretariat and the respective ministries responsible for conducting national and local elections, Hijra communities in Bangladesh can’t participate in the election process. As observed by many political scientists and sociologists, politics is a process and people participate in this process when they are empowered and don’t face any discrimination in the greater society and by derogatory policies. In this regard, to be active in the political process, Bangladeshi Hijra community needs Anti Discriminatory Law and subsequent policies immediately. The current attempts of some Hijras to contest in the local elections don’t testify that they are empowered in the political or election process of Bangladesh. The study team came up with a number of recommendations which are as follows:

The study team came up with a number of recommendations which are as follows:

**Fixing Definition of GDPS/Hijras and Conduction of an Inclusive Census**

1. A holistic definition of the TGP discourse and a discreet manual of transgender population are urgently needed. In completing this process, the policy makers need to incorporate the opinions of transgender community representatives and consider harmless cultural traits/components of Hijra beliefs and practices and WHO definition of transgender people.

2. An accurate census of Hijras and sexually diverse population is needed. Inclusion of EC, BBS, local police stations, ward councilors, Upazilla Parishads and Union Chairmans in an accurate census making process is paramount. A proper census is needed for effective participation of TGPs in the election process of Bangladesh at all levels.

3. Government should make two separate lists of Hijras: one is for those who are linked with Guru Maas and the other one is for those who are not with Guru Maas. That list can be used as an
identification tool of real Hijras. The people who claim to be Hijras but not listed should undergo WHO prescribed culture-sensitive medical screening.

National Hijra Welfare Board (NHWB)

4. Government should form a National Hijra Welfare Board in association with leading NGOs working with Hijras and gender diverse populations.

Formation of a High-Powered Committee to Lobbing with EC and Ministries

5. A concerted effort should be taken by a high-powered team involving both GoB and NGO activists in changing the mind-set of Election Commission Secretariat and the ministries responsible for conducting national and local elections.
6. Hijra communities in Bangladesh should be encouraged to participate in election process. In this regard, they should have technical and financial support.

Anti-Discriminatory Law Should be Passed Immediately

7. Anti-Discriminatory Law and subsequent policies should be passed in the parliament soon so that relevant departments feel the urge to include Hijra issues in the active political process of the country. The current attempts of some Hijras to contest in the local elections don’t testify that they are empowered in the political or election process of Bangladesh.

Sensitization for Effective Service Delivery and GDP Rights

8. Organize roundtable meetings among Hijra representatives, ministers, government and service providers to identify respectful, culturally appropriate and effective engagement of TGPs in the election process of Bangladesh.
9. Hold more sensitizing workshops between transgender and non-transgender communities which could create a reciprocal tolerance level in engaging TGPs in the election process.
10. Sensitize families and communities about transgender adolescents. Hold awareness program on transgender issues for families and teachers. Make it compulsory that every transgender adolescent stays with family and attend regular school. Any sort of discrimination and bullying will be punishable.
11. Organize age-appropriate sessions with kindergarten and primary school children on transgender people. That would create tolerance and empathy toward TGP from early childhood.
12. Incorporate a small chapter on TGPs in school syllabus. Based on Bandhu’s pilot program and its experiences, transgender issues should be incorporated in the mainstream national curriculum of all versions. Introduce quota system for transgender adolescents in all educational institutions.
13. Assign research scholars, think-tanks and civil society members to work together and come up with holistic intervention programs for the groups.
14. Introduce short-term and long-term social research fellowships on TGP issues in public universities and encourage more participation of meritorious students.
15. Advocate private organizations and corporate houses for participating and sponsoring sensitization meetings and workshops.
16. Spread awareness to rural and Upazilla levels and distribute leaflets & poster bearing messages of tolerance toward TGPs.
17. Promote craft, skill and harmless cultural components of Hijra people through exhibitions, print and TV channels.

Income Generation

18. Advocate employment agencies, business organizations and producers to increase work opportunities for TGPs.
19. Enhance partnership and network among service providers, government bodies and ministries. Send instruction to all public and private service organizations such as health/education/employment to create jobs and services for TGPs.
20. Train up transgender community workers who can work with socially isolated Hijras in a more appropriate and trustworthy manner.

Common Platforms and Partnerships

21. Create a strong NGO platform which could conduct strong advocacy in individual, social, legal and policy level. Strong advocacy and campaign are more likely to mitigate legal and policy loopholes
22. Encourage partnership among all stakeholders in the society. They will work jointly for the development of TGPs.
23. Create an independent body which could monitor the effectiveness of service delivery and allocation of fund in both private and public sectors.
Chapter One
Understanding of the Assignment

1.1 Background and Introduction

With support from United States Agency for International Development (USAID) Bangladesh, Bandhu Social Welfare Society implemented a one year project titled ‘Human Rights in Development’ (USAID’s HRID) from 15 June 2015 to 14 June 2016. The project worked towards promoting and protecting the human rights issues of the gender diversified population in the country with a focus on creating a supportive social, policy and legal environment to enable the targeted population to more effectively respond to basic human rights in Bangladesh and exercise those rights, and to access state and non-state opportunities and services. The project continued for another two years with similar title ‘Human Rights in Development’ (USAID’s HRID) from 15 July 2016 to 14 June 2018 with commendable achievements and many tangible results towards promoting and protecting the human rights issues of the gender diversified population in the country. From 15 July 2018, the project is continuing for next three years with project title “Rights for Gender Diverse Population (USAID’s RGDP from 15 June 2018 to 14 June, 2021).

These projects explored means and ways to taking up these human rights challenges faced by gender diverse population in Bangladesh, and formulate ways of documenting and dissemination the findings to national and international Human Rights bodies in an attempt to mitigate the situation and to protect the rights of gender diverse population. This study involves illustrating the situation of transgender communities living in across Dhaka, Narayanganj, Rajshahi, Chottogram and Mymensingh and understanding key informants in addressing social, economic, legal status and human rights of third gender population and presenting the findings at a seminar/dialogue with policy makers and key stakeholdersto bring positive changes in the lives of transgender communities living across Bangladesh. The outcome of the research will help to create a baseline for future work and will also demonstrate the outcome of the work on the present project over last six (6) months.

1.2 Project Goal

Promoted for sexual-minority population of Bangladesh through establishment of dignity and availing of state and non-state opportunities.

1.5 Project Objectives

- To increase awareness and knowledge among Sexual and Gender Minority communities about their human rights, self-responsibilities and duties;
To improve supportive socio-cultural and legal environment for gender diverse population to access public services through sensitizing policy makers & stakeholders;
To enhance capacity of relevant stakeholders to reduce harassment, stigma, discrimination and human rights violations in relation to sexual orientation and gender identity
To mobilize gender diverse Community & relevant stakeholders for ensuring safety and Legal Rights.

1.4 Purpose of the Study

The purposes of the study are:

- Analyse the underlying issues and gaps about the election process and the voter rights of third gender population.
- Explore feasible ways and means to minimize the gaps about the election process and voter rights of third gender population.

1.5 Objective of the Study

The study will be used to:

- Review the discriminatory laws, constitution, policies and practices related to voting rights context of Bangladesh and international human rights standards.
- Identify the possibility to create platforms for the 3rd gender population in the project area to express their views and experiences on their freedom to cast vote.
- Increase their participation in ensuring their legal rights, and explore the existing capacity of service providers on voting/legal rights.
Chapter Two
Literature Review

2.1 Transgender in Asia Pacific Region

Transgender communities comprise of the most marginalized and most vulnerable groups within societies in Asia-Pacific regions (Jabin & Farhana, 2015, p.2). Within the 12 countries in Asia-Pacific region, there is a range of attitudes and perceptions about them and how they are treated within countries. In some societies they are more easily accepted than in others (Doussantousse & Keovongchith, 2004 cited by Jabin & Farhana, 2015,p3). Thailand is the most progressive country with regards to third gender population and has had a history of recognizing three gender rights where they are known as ‘kathoey’ (Jackson, 1997 cited by Jabin & Farhana, 2015, p3). Recently separate restroom for this group of people with an intertwined male and female symbol on the door was allocated in the Ching Mai Technology School. Even the sex reassignment surgery is comparatively easier in Thailand. It is said that there are factors like the ethical principle of Buddhism along with a non-interventionist state that contribute to this type of attitude of Thai people (MSNBC, 2004 cited by Jabin & Farhana, 2015, p3).

Kathoey are hoping for a new third sex to be added to passports and other official documents and in 2007, legislative efforts have begun to allow kathoey to change their legal sex if they have undergone genital reassignment surgery (Cabrera, 2009 cited by Jabin & Farhana, 2015, p3). In Malaysia, things are more difficult for transgender people who are referred to as ‘maknyah’ (Jabin & Farhana, 2015, p3). Since cross dressing is illegal over there, these people are often arrested and sent to prison for wearing female attire, impersonating women or taking part in beauty pageant (cited by Jabin & Farhana, 2015, p3). The Sharia law is applied against these people for the wrongdoings or violating the rules of Islam (Teh, Understanding The Problems of Mak Nyahs(male transsexuals) In Malaysia, 1998 cited by Jabin & Farhana, 2015, p3). The Islamic religious authority can carry out raids among the Muslim community to identify wrongdoing against the Islamic law section 21 Minor Offense Act 1955 (Teh, Mak Nyahs In Malaysia: The Influence of Culture and Religion on Their Identity, 2001 cited by Jabin & Farhana, 2015, p3).

In south Asia there are differing attitudes towards transgendered people too. In some parts of South Asia, i.e. India, Hijras and their activities are culturally accepted, in Tamil Nadu the state government has offered to reimburse money for sex reassignment surgery for ‘aravanis’ (cited by Jabin & Farhana, 2015, p3). But the basic human rights could not be ensured (Sitapati, 2009 cited by Jabin & Farhana, 2015, p3).In Pakistan there is also a large community of Hijras. They tend to be extremely poor and are subject to much discrimination and exploitation, especially sexual exploitation. They may also engage in sex work. In 2013, transgender people in Pakistan
were given their first opportunity to stand for election (BBC News, 2013). Sanam Fakir, a 32-year-old Hijra, ran as an independent candidate for Sukkur, Pakistan's general election in May (Pink News, 2013). In 2007, Nepal’s Supreme Court recognized a third gender category, making it clear that the ability to obtain documents bearing a third gender marker should be based on “self-feeling,” and not the opinions of medical professionals or courts (HRW, 2016). Through self-identification, several identity categories have fallen under the third gender category including an array of sexual orientation and gender identity labels (HRW, 2016). In 2011, Nepal added the third gender category to its national census, and since October 2015, Nepali citizens have been successfully traveling abroad carrying passports marked “O” for “other” instead of “F” for “female” or “M” for “male” (HRW, 2016).

In 2014, India’s Supreme Court ruled that transgender people can be legally recognized as a third gender, declaring that this “is not a social or medical issue” but a human rights issue (HRW, 2016). The court stated that undertaking medical procedures should not be a requirement for legal recognition of gender identity (HRW, 2016). In 2015, the Delhi High Court reinforced the ruling, emphasizing: “Everyone has a fundamental right to be recognized in their gender” and that “gender identity and sexual orientation are fundamental to the right of self-determination, dignity and freedom” (HRW, 2016). In an effort to support implementation of the Supreme Court ruling, the government introduced a bill in parliament on August 2, 2016 (HRW, 2016). While the bill is an important progressive measure several provisions raise concerns. The definition of a transgender person as “neither wholly female nor wholly male” and the need to seek approval from two distinct sets of authorities in order to facilitate legal gender recognition does not comply with the right to dignity and self-definition, as upheld by the Supreme Court verdict (HRW, 2016). The bill fails to include a clear definition of discrimination, or to provide education and job benefits for trans persons as directed by the Supreme Court, among other concerns (HRW, 2016).

2.2 Transgender in Bangladesh

Bangladesh is a signatory to both the International Covenant on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights of diverse sexualities. The National Human Rights Commission of Bangladesh is positioned to play a significant role in addressing human rights issues related to sexual orientation and gender identity. According to the Department of Social Welfare survey, there are around 9,285 Hijras in Bangladesh. Due to lack of laws recognizing Hijra status in Bangladesh, these people have often been excluded from basic rights associated with citizenship such as property rights, inheritance, employment, education and health care. There are recent examples of laws aiming to remedy this situation through recognizing the legal status of Hijras.
Bangladesh government has offered an “other” gender category on passport applications since 2011 and granted a ‘third gender’ status to the approximately 10,000 Hijras living in the country in 2013. While Bangladesh has passed legislation to protect Hijra’s rights, the government simultaneously continues to uphold laws that punish citizens for being homosexuals (Though Hijras do not always identify as homosexuals, they are sometimes persecuted as such) with prison sentences ranging from 10 years to life. Article 377A of the Bangladesh Criminal Penal Code provides: “Whoever has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with (imprisonment for life), or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”.

No hate crime law exists in Bangladesh to address crimes committed by a perpetrator motivated by the sexual orientation or gender identity of a victim. Bangladesh has no anti-discriminatory laws that specifically protect sexual minorities or laws that recognize the diverse gender identity. Though Hijras traditionally earned their living by singing and dancing, many now supplement their earnings by begging or selling sex (Nag, 2005). A study on Bangladeshi Hijras describes the vulnerability of sex workers to law enforcement abuses: The Hijra sex workers were exploited by clients, mugged, and beaten by hooligans but never received any police support. They hardly reported any incidents to police because of fear of further harassments. The law enforcing agents either raped a Hijra sex worker and/or burglarized earnings from sex trade… Hijras are not safe in sex trade. They are forced to have unprotected sex with clients, local influential persons, and police free of charge (Khan, Hussain, & Parveen, 2009).

Bangladesh is a signatory to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of diverse sexualities (Jabin & Farhana, 2015, p 4). According to the Department of Social Welfare survey, there are around 9,285 Hijras in Bangladesh. Due to lack of laws recognizing Hijra status in Bangladesh, these people have often been excluded from basic rights associated with citizenship such as property rights, inheritance, employment, education and health care. There are recent examples of laws aiming to remedy this situation through recognizing the legal status of Hijras. Though Hijras traditionally earned their living by singing and dancing, many now supplement their earnings by raising chhallas (traditional way of raising fund) or selling sex (Nag, 2005). A study on Bangladeshi Hijras describes the vulnerability of sex workers to law enforcement abuses. The Hijra sex workers were exploited by clients, mugged, and beaten by hooligans but never received any police support. They hardly reported any incidents to police because of fear of further harassments. The law enforcing agents either raped a Hijra sex worker and/or burglarized earnings from sex trade. Hijra are not safe in sex trade. They are
forced to have unprotected sex with clients, local influential persons, and police free of charge (Khan, Hussain, & Parveen, 2009).

The National Human Rights Commission of Bangladesh is positioned to play a significant role in addressing human rights issues related to sexual orientation and gender identity. In 2006, Bangladesh was also elected a member to the newly formed United Nations Human Rights Council, and was then re-elected in 2009 and in 2012 (Stenqvist, 2015, p13).

In some parts, the constitution of Bangladesh is aligned with the international regulations on Human Rights; in that the constitution guarantees fundamental rights and liberties to the Bangladeshi citizens (Stenqvist, 2015, p13). This is more directly referred to in article III of the constitution, as it is stated that the constitution prohibits any discrimination on the grounds of religion, race, sex, and caste (Sexual Rights Initiative 2009, p. 1 cited by Stenqvist, 2015, p. 4). On the other hand, the penal code 1860 Section 377 clearly prohibits carnal intercourse against the order of nature; where the penalty ranges up to ten years imprisonment (Sexual Rights Initiative 2009, p. 3), or may even extend to lifetime incarceration (Godwin 2010, p. 23 cited by Stenqvist 2015, p. 4). It is considered acceptable for law enforcement agencies and others to bully persons that do not comply with the hetero-normative structures of the Bangladeshi society (Godwin 2010, p. 22 cited by Stenqvist, 2015, p. 4). No hate crime law exists in Bangladesh to address crimes committed by a perpetrator motivated by the sexual orientation or gender identity of a victim (Jabin & Farhana, 2015, p. 3).

Government of Bangladesh granted a ‘third gender’ status to the approximately 10,000 (statistics provided by Ministry of Health and approved by The Government of Bangladesh) Hijras living in the country in November, 2013. This is considered as a landmark decision, and it is said that under the new government policy the rights of all Hijras will now be secured. The new legislation will, first and foremost, enable them to identify their gender in official documents, such as passports. The approval came in the weekly cabinet meeting at Bangladesh Secretariat. The Hijra community welcomed the cabinet’s decision, saying that it will be helpful to achieve other societal rights and legal rights, as the community expresses hope for the future (The Daily Star, 2013). Their identity has not been documented in any Government document as of now. This group of people is deprived of accessing citizenship rights like any other citizens.
Chapter Three
Detailed Methodology

3.1 Nature of the Study
The general approach of the study is participatory and feedback oriented. The study followed primary and secondary research techniques. Secondary research was undertaken at an inception stage through articles/literatures reading and analysis with the help of data collection instruments. At implementation stage, primary research was conducted via qualitative method of data collection through Focus Group Discussion (FGD), Key Informant Interviews (KII) and In-Depth Interviews (IDI) to investigate the Study objectives. The detailed study methods are described below:

3.2 Secondary Review
Relevant project documents, beneficiary profile, secondary literature, reports of similar projects, etc. were studied under this section. This study guided us, designing primary data collection tools and methods, mapping the required data and triangulating theoretical premise with the primary research findings.

3.3 Focus Group Discussions (FGD)
Focus group discussions were conducted with the third gender population purposively selected from the associations across Dhaka, Chottogram, Mymensingh and Rajshahi. A structured guideline with checklists was followed by the consultants under the guidance of Bandhu Social Welfare Society. FGDs were administered in an interactive group setting; participants were able
to talk freely in a comfortable environment. FGD tools were designed in a manner which would give participants opportunities to express themselves well. There were four (4) FGDs which provided with qualitative information.

3.4 In-depth Interview (IDI)

IDIs were conducted with various stakeholders at local and national level. In total, five (5) IDIs were conducted with representatives of Bandhu Social Welfare Society and BLAST; lawyer/panel lawyer (district Judge Court) and official of USAID's RGDP project.

3.5 Key Informant Interview (KII)

The study conducted 12 KIIs with key Government officials and they are: Lawyer-Supreme Court, Deputy Director-NLASO, Chairman-National Human Rights Commission, Director General-PMO (Prime Minister Office), Chairman-Labor Court, Secretary-Election Commission Secretariat, Director-Secondary Education, Former Minister of Social Welfare, Additional Director-Department of Social Welfare, Joint Secretary-Ministry of Public Administration and Ministry of Planning, and Deputy Secretary-Ministry of Health. KIIs complemented the information collected from FGDs.

3.6 Study Participants, Tools and Design

FGD: The study team conducted 4 (4) FGDs across Dhaka, Mymensingh, Chottogram and Rajshahi. Distribution of the participants in focus group discussions are as follows:

Focus Group Discussion (Boubazar, Jurain) dated January 20, 2019; Time: 10:30-12:20

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name</th>
<th>Profession</th>
<th>Contact No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ohidul Islam Parboti</td>
<td>Junior Program Officer: Bandhu</td>
<td>01682356506</td>
</tr>
<tr>
<td>2</td>
<td>Mx.Lara</td>
<td>Sex worker</td>
<td>01725173631</td>
</tr>
<tr>
<td>3</td>
<td>Mx. Neela</td>
<td>Hijragiri &amp; Sex worker</td>
<td>01778038627</td>
</tr>
<tr>
<td>4</td>
<td>Mx. Mou</td>
<td>Hijragiri</td>
<td>01780723383</td>
</tr>
<tr>
<td>5</td>
<td>Mx. Mizan</td>
<td>Shop assistant</td>
<td>01945992046</td>
</tr>
<tr>
<td>6</td>
<td>Mx. Sohana</td>
<td>Dancer</td>
<td>01967269312</td>
</tr>
</tbody>
</table>

Focus Group Discussion (Chottogram)

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name</th>
<th>Age</th>
<th>Profession</th>
<th>Phone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Alvi</td>
<td>38</td>
<td>Male Sex Worker</td>
<td>01674195180</td>
</tr>
<tr>
<td>2</td>
<td>Robin</td>
<td>24</td>
<td>Male Sex Worker</td>
<td>01775221860</td>
</tr>
<tr>
<td>3</td>
<td>Flora</td>
<td>21</td>
<td>Transgender</td>
<td>01858461805</td>
</tr>
<tr>
<td>4</td>
<td>Harun</td>
<td>38</td>
<td>Male Sex Worker</td>
<td>01798226870</td>
</tr>
<tr>
<td>5</td>
<td>Mithila</td>
<td>24</td>
<td>Transgender</td>
<td>01823731772</td>
</tr>
<tr>
<td>6</td>
<td>Pinky</td>
<td>29</td>
<td>Transgender</td>
<td>01745236998</td>
</tr>
</tbody>
</table>
Focus Group Discussion (Mymensingh) dated January 24, 2019; Time: 1:00-2:30

<table>
<thead>
<tr>
<th>Sl</th>
<th>Name</th>
<th>Age</th>
<th>Phone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Porimoni</td>
<td>19</td>
<td>01799650441</td>
</tr>
<tr>
<td>2</td>
<td>Tanvir Ahmed</td>
<td>19</td>
<td>01781700664</td>
</tr>
<tr>
<td>3</td>
<td>Mahib Hasan</td>
<td>18</td>
<td>01771158653</td>
</tr>
<tr>
<td>4</td>
<td>Md. Ibrahim</td>
<td>20</td>
<td>01985741760</td>
</tr>
<tr>
<td>5</td>
<td>Masud Rana</td>
<td>21</td>
<td>01954425005</td>
</tr>
<tr>
<td>6</td>
<td>Shahin Alam</td>
<td>24</td>
<td>01747194723</td>
</tr>
</tbody>
</table>

Focus Group Discussion (Diner Alo Hijra Shangha-Rajshahi) dated January 22, 2019; Time: 12:01pm-1:15pm

<table>
<thead>
<tr>
<th>Sl</th>
<th>Name</th>
<th>Age</th>
<th>Address</th>
<th>Phone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Samrat</td>
<td>18</td>
<td>Rajshahi Court</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Lakshmi</td>
<td>22</td>
<td>Kathalbaria</td>
<td>01911459850</td>
</tr>
<tr>
<td>3</td>
<td>Akkas</td>
<td>26</td>
<td>Kathalbaria</td>
<td>01717866901</td>
</tr>
<tr>
<td>4</td>
<td>Sabur</td>
<td>20</td>
<td>Ramachandrapur</td>
<td>01755218562</td>
</tr>
<tr>
<td>5</td>
<td>Miss</td>
<td>35</td>
<td>Shiroin</td>
<td>01716108873</td>
</tr>
<tr>
<td>6</td>
<td>Sagorika</td>
<td>51</td>
<td>Shiroin</td>
<td>01734158789</td>
</tr>
</tbody>
</table>

IDI: The study team conducted five (5) IDIs with officials from local NGOs and Government officials which are as follows:

<table>
<thead>
<tr>
<th>Sl</th>
<th>Name</th>
<th>Profession</th>
<th>Contact no</th>
<th>Interview Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Akhter Jahan Shelly</td>
<td>Team Leader, The Global Fund project</td>
<td>01711063642</td>
<td>January 16, 2019</td>
</tr>
<tr>
<td>2</td>
<td>Mohammad Rofiqul Islam</td>
<td>Deputy Manager-Training &amp; Counselling;Bandhu</td>
<td>01817677366</td>
<td>January 16, 2019</td>
</tr>
<tr>
<td>3</td>
<td>Md. Shah Alam</td>
<td>Lawyer/District Judge Court</td>
<td>01727547575</td>
<td>January 17, 2019</td>
</tr>
<tr>
<td>4</td>
<td>Md. Mostofa Zamil</td>
<td>Deputy Director,BLAST</td>
<td>01712778585</td>
<td>January 20, 2019</td>
</tr>
<tr>
<td>5</td>
<td>Moshiur Rahman</td>
<td>Deputy Manager/BANDHU Official, RGDP project/USAID</td>
<td>01712656516</td>
<td>February 3, 2019</td>
</tr>
</tbody>
</table>

KII: The study team conducted eight (12) key informant interviews which are listed below:

<table>
<thead>
<tr>
<th>Sl</th>
<th>Name</th>
<th>Position</th>
<th>Phone No.</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ashikur Rahman</td>
<td>Lawyer-Supreme Court</td>
<td></td>
<td>January 17, 2019</td>
</tr>
<tr>
<td>2</td>
<td>Abeda Sultana</td>
<td>Deputy Director-NLASO</td>
<td>01712004963</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Kazi Reazul Hoque</td>
<td>Chairman-National Human Rights Commission</td>
<td>0197406171</td>
<td>January 22, 2019</td>
</tr>
</tbody>
</table>
3.7 Tools Development

Research tools were prepared for all stakeholders which includes transgender groups and officials from NGOs and Government organizations under the direct supervision of the Chief Adviser of this study Prof Dr ASM Amanullah of Dhaka University. The project and Bandhu Social Welfare Society staffs were closely involved throughout the tools development. Tools were finalized upon approval of Bandhu Social Welfare Society. The types of questionnaires used in FGDs, KII s and IDIs are as follows:

<table>
<thead>
<tr>
<th>Method</th>
<th>Tools</th>
<th>Respondents</th>
<th>Sample Size</th>
<th>Tool No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus Group Discussion (FGD)</td>
<td>FGD Guideline</td>
<td>Third Gender Population</td>
<td>24 (5 FGDs)</td>
<td>Tool # 1</td>
</tr>
<tr>
<td>In-depth Interviews (IDI)</td>
<td>IDI Checklist</td>
<td>Officials from local NGOs and Government Officials</td>
<td>5</td>
<td>Tool # 2</td>
</tr>
<tr>
<td>Key Informant Interview (KII)</td>
<td>KII Checklist</td>
<td>Key Informants from Ministries</td>
<td>12</td>
<td>Tool # 3</td>
</tr>
</tbody>
</table>

3.8 Data Collection

Field work was conducted in accordance with the survey protocols provided by Bandhu Project Team. All qualitative data were noted in the designated spaces of the tools during fieldwork/interviews. At the end of each session, facilitator and note-taker met to review the group-session and accuracy of the collected data; and, then, proceed to a next session. A post session review always prevents lapse of data and enhance quality of work. Team captured detailed notes and important verbatim. Soft copies of complete notes were sent to individual
consultants and research team for further feedback, group the report and analyse them according to a thematic areas. That captured the perception of target group and all stake-holders and facilitated triangulation of all data collected in different forms. It is worth mentioning that Qualitative data analysis was also conducted using Computer Assisted Qualitative Data Analysis Software, like MAXQDA and ATLAS.ti.

3.9 Field Survey Team
A total number of 2 (two) Field Survey Staff (i.e. Note Takers) were required for the implementation of field works for the proposed study. The Honorary Consultant played an active role to communicate between the Core Professional Team and the Field Survey Team. The 2 (Two) Note Takers was deployed in order to support the consultants in conducting the qualitative sessions, e.g. IDI, FGDs and KIIs. The staffing of field team under this assignment was based on the estimated time inputs for each unit of assessment as well as in alignment with the entire time frame allocated for the study.

3.10 Work Plan

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Key Activities</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Finalization of Methodology/submission of inception report</td>
<td>Dec 23, 2018</td>
</tr>
<tr>
<td>2</td>
<td>Tools finalization and development of online data collection tools</td>
<td>January 5, 2019</td>
</tr>
<tr>
<td>3</td>
<td>Field team training and field test</td>
<td>January 10-14, 2019</td>
</tr>
<tr>
<td>4</td>
<td>Field data collection</td>
<td>January 16- February 10, 2019</td>
</tr>
<tr>
<td>5</td>
<td>Qualitative data analysis</td>
<td>February 11-12, 2019</td>
</tr>
<tr>
<td>6</td>
<td>Report preparation</td>
<td>February 10-14, 2019</td>
</tr>
<tr>
<td>7</td>
<td>Submission of draft report</td>
<td>February 14, 2019</td>
</tr>
<tr>
<td>8</td>
<td>Submission of final report</td>
<td>Depends on feedback</td>
</tr>
</tbody>
</table>

3.11 Limitations:
Recent general election appeared to be a challenge for the team to conduct the study. The commencement date of the field work was rescheduled and the study was completed uninterruptedly. There was an issue of cultural insensitivity in the beginning of the study. Team succeeded in overcoming the issue by re-training staff with cultural sensitivities and team leader’s strong monitoring. FGD participants included Trans man, Trans woman, MSM and male and female homosexuals based on their availability in the project sites; therefore, the findings of the FGDs may not be representative to all gender diverse communities in Bangladesh. Homosexuals chose to stay unidentified.
Chapter Four
Findings of the Study

4.1 FGD Findings

Focus Group Discussions (FGD) were conducted with four groups of Transgender communities across Dhaka, Chottogram, Mymensing and Rajshahi. The purpose of the session was to get the understanding of the current status of transgender community in socio-economic, legal and human rights contexts of Bangladesh. Participants expressed their views on the impact of the recognition of "third gender status" they received in November 2013 by the Government of Bangladesh. They expressed their experiences as voters in national election 2018 too.

The transgender participants welcomed their newly acquired status of "Third-gender communities" and few of them find the announcement creating a ripple-effect in the socio-cultural context of their lives. They are now courageous and empowered in some areas.

Parbati Hijra (FGD at Jurain, Dhaka dated January 20, 2019) said,

"We were treated as aliens in the past. Now, people talk to us. We can seek legal help from Police. We attend meetings. We cast votes with some hassle and tussle. In 2008, I was kicked from polling booth on the ground of my gender identity."

Another participant Lara said,

"I am relieved. We cast vote recently. Sadly we are still men in the documents. We stood in men's queues and that disturbs us"

Neela (FGD at Jurain, Dhaka dated January 20, 2019) said,

"After recognition, landlords do less scrutiny while renting out properties to us, though there are huge barriers in this regard."

Mithila Hijra (FGD at Chottogram) said,

"I received my due respect as a third gender one year after Government of Bangladesh made a declaration. I am working at City Corporation along with 8/10 hijras. That is the only recognition I am receiving."

Government of Bangladesh is committed to ensure social justice to the disadvantaged group. Nevertheless, the transgender community face discrimination to avail basic human rights in terms of shelter, education, health, safety and legal rights. Mithila (FGD in Chottogram) added,

"Honourabe Prime Minister of Bangladesh, Sheikh Hasina recognized us as 'third genders' to the citizens of Bangladesh. But this recognition isn’t reflected in the relevant documents, there is no reflection of this change in the attitudes of public and service providers and services. We could not vote freely."

FGD findings clearly revealed that, it is challenging to create a holistic space for transgender communities in mainstream society where they can express their voice and avail citizenship
rights like regular citizens. Deep-rooted and centuries old social stigmas are hindrances behind the improvement of their condition.

This study noticed that, in most cases, stigma starts in the family. Family members with gender non-conforming adolescents are neglectful, harsh and discriminatory toward them. That affects children’s emotional and psychological well-being. Their gender inappropriate behaviour are not accepted in schools and peer-groups. In this regard, participants (FGD in Jurain, Dhaka dated January 20, 2019) said,

"When transgender adolescents get rejected by family, get bullied by fellow classmates and fired by teachers and abandoned by playmates in the neighbourhood, they search for a society/community where they will be accepted as who they are. Many of them become part of Hijra society and become disciples of Guru Maa."

They also said,

"A transgender Adolescent can thrive if he/she grows up in a supportive environment with family. I became educated with my father’s support. After his demise, I was cornered by the rest of the family Members. My friends started avoiding me as I grew up. Fellow students called me names. Later, I found affinity and acceptance in Hijra community, left home and became a part of Hijras. ...Tried to continue my study from current address. But could not complete education due to financial constraint." Other participants echoed with him.

FGD team found a significant number of transgender adolescents are dropped out of school after primary level. Due to the lack of awareness among family members and idiosyncrasies of mainstream society, transgender adolescents exhibit socially disapproved and non-conforming behaviour. Many of them cannot withstand social repercussions and leave school.

Education level is one of the main contributors of social exclusion for transgender people. FGD participants in Jurain, Dhaka recommended a free-of-cost or a subsidized secondary education program for transgender students in public schools. That could motivate students to stay in study. Education level, poor skill and social stigma are responsible for transgender communities' lagging behind in permanent work.

Lara (FGD at Jurain, Dhaka taken in 20 January, 2019) said,

"I am a skilled beautician. I worked in an NGO. I could not survive in work because of the tag of 'Hijragiri' and 'sex-work' attached with me. My fellow workers bullied me for my sexual diversity."

Ibrahim (FGD at Mymensingh dated January 24, 2019) said,

"Transgender people are humiliated at workplace. They cannot get public and private job because of their gender identity. They are judged on the ground of gender, not their calibre. Co-workers and employers seek opportunities to molest them. People don’t like to see us in the polling booths too."
Ministry of Social Welfare, Bangladesh invited transgender people to apply for Government job in 2015. FGD participants said that applicants had gone through disrespectful screening and many of them were called off on the ground of fake Hijra identity. Mithila Hijra (FGD at Chottogram) said,

"I applied for a job at the department of social welfare. I came to Dhaka five (5) times to be examined my gender identity, I was selected in the written test. Eventually I did not get the job. If we had an MP from our community, our situation would have been better off. To become an MP is a cloud-castle dream for us; even politicians don’t want to involve us with their election campaign due a stigma that they will lose their common supports from the general people."

Participants opine for recruiting/ training up transgender workers in service organizations. In their estimation, service organizations can address sensitiveness related to transgender culture.

Participants had resentment over healthcare facilities in Bangladesh. Lara (FGD in Jurain, Dhaka dated January 20, 2019) said,

"I prefer taking medicines from Bandhu and related organizations." An anonymous participant (FGD at Mymensingh dated January 24, 2019) said, "TGP's have no access to most of the public and private hospitals. As there is no queue for transgenders, they get verbally and physically abused by public in the queue. Transgenders are shy to express their health issues to doctors. Health professionals take the advantage of humiliating them and coerce them to have sex. Transgenders should have a separate and an appropriate health care services with sensitized doctors."

Sabur (FGD at Diner Alo Hijra Sanghha, Rajshahi dated January 22, 2019) said,

"Male's queue wants us to go to female's queue! Female queue wants us to go to male's queue. Doctors hesitate to touch us while doing medical assessment. They do not spend time with us." Parvati (FGD, Jurain, Dhaka dated January 20, 2019) said, "Mizan's friend was admitted in the female ward in Hospital. He had anal issues. As soon as doctor took her pant off to check his anus, she screamed, 'She male! She-male'!"

Hares (FGD, Chottogram) said,

"Few days back a Hijra was admitted in a female ward of a hospital. When doctor saw his penis while checking anus, she asked about his identity. He said, "I am Hijra." Doctor refused to see him and shooed him straight away."

Participants said that recognition did not bring any difference in seeking safety and legal help from law enforcers. Siddikur Rahman (FGD at Diner Alo Hijra Shangha, Rajshahi dated January 22, 2019) said,

"We do not get justice and safety from Government. Police don’t help. Rather they take advantage of our helplessness."

Samrat added,

"...Sometimes we are called in the police station at night. They demand money from us and coerce us to have sex. …local people refuse to wear chhata (condom in Hijra lingo). We are having hard times."
Lara (FGD at Jurain, Dhaka dated January 20, 2019) said,

"We are scared of Police cases as one of our identities is attached to sex-working. Customers take the advantage of our helplessness. For example: my cellphones were snatched on few occasions from neighbourhood functions after my performance and at my place after I had entertained clients at night. I did not dare to lodge a complaint as I am a sex worker."

Porimoni (FGD at Mymensingh dated January 24, 2019) said,

"One day few miscreants abducted and attempted to rape me. Fortunately, I was escaped by Guru Maa. Still we could not dare to inform police. Because Police harass more."

Parbati Hijra (FGD at Jurain, Dhaka dated January 20, 2019) said,

"Police assumes Hijras must be at fault. So, many of them do not dare to file complains."

Transgender communities face another challenge inheriting properties from parents. They are not mentioned in property and inheritance laws and policies. Therefore, they claim a share of parental property either as males or females. In this regards, Parbati and Lara (FGD at Jurain, Dhaka dated January 20, 2019) said that they would inherit the parental properties as males due to their male identity in documents.

Lakshmi (FGD at Diner Alo Hijra Sanggha, Rajshahi) said,

"....I didn’t claim parental property out of shame"

Although participants were treated more respectfully in casting votes in last election, they resented that there was no specific queue or slot for "transgender" communities. They had to vote either as a ‘male’ or a ‘female’. Participants expected voter IDs would have had slots for "Transgender". About their participation in election process, Sagorika (FGD, Diner Alo Hijra Songgho in Rajshahi dated January 22, 2019) said,

"Some leaders call us when they need us. Then they do not contact anymore. We have to wait for hours in front of their house."

Siddiquur Rahman (FGD, Diner Alo Hijra Songgho in Rajshahi dated January 22, 2019) said,

"We cann’t contest in election. Nobody will accept us. We cannot participate in election campaign. We are stopped!"

Mithila Hijra (FGD, Chottogram) said,

"Few politicians would like to use us in election campaign. We will be in the front of election procession and keep clapping. They do not utilize us effectively, whereas we have to be in the forefront. Why? So that we become the first victim of any kind of aggression. If they want to include us, they should include us as part of the group."

Participants in Jurain, Dhaka are longing to see transgender community in future leadership. Parbati is one of the nominees for reserved women seat in the 11th Parliament. The group thinks the nomination would pave ways for more transgender community members' entry into leadership which would eventually empower them.
Participants gave their opinions on how to mitigate the gaps to restore human rights and social justice for transgender communities which are as follows:

- Participants would like to have their "transgender" identities in all official documents which includes NID, passport and education certificates.
- They urge to have sensitized society which has sensitized and respectful healthcare services, schools, political and social organizations and neighbourhoods.

Participants (FGD at Jurain, Dhaka dated January 20, 2019) further said,

"Family needs to be sensitized first. A transgender adolescent can conquer social stigma if family is supportive....Guru Maas usually care for their own interest."

Regarding integrating transgender communities and enhancing their participation in education, politics, and economy, FGD participants said that,

“Hijras are used to with badhai, chholla and sex-work. It is extremely challenging for them to give up their age-old traditions for education. It is sensible if TGP, specially adolescents, who are not part of Hijra community yet, can be brought in social inclusion program with less challenge.”

Participants in FGD, Mymensingh (dated January 24, 2019) opined for creating welfare board for transgender community which would include scholarship, vocational course, quota for transgenders. Participants in FGD, Diner Alo Hijra Shonggho (Rajshahi dated January 22, 2019) said that creating Welfare-board will be useful if authority ensures everybody's participation. Parbati (FGD at Jurain, Dhaka dated January 20, 2019) added,

“Scholarship or quota system will encourage more transgender children to defy stigma and pursue education”.

Ministry of Social Welfare provides BDT 10,000/- incentives to each transgender student after the completion of a vocational course. According to participants (FGD at Jurain, Dhaka dated January 20, 2019),

“It would have been more helpful if students were given work opportunities alongwith course. That would fetch us long-term benefits.”

Parbati (FGD at Jurain, Dhaka dated January 20, 2019) and Mithila (FGD in Chottogram) said,

“Media can be used as diffusion channels in society. For example: appropriate children’s/family drama can be made on the theme of transgender adolescents. That would create positive impact, acceptance and tolerance in public.”

Lara (FGD at Jurain, Dhaka dated January 20, 2019) said,

“ If primary text books include a chapter on transgender people, children’s mindset will change.”

Participants in Rajshahi (Diner Alo Hijra Sanggha dated January 22, 2019) said,

“Hijra culture should be promoted on TV, print media and social media. There are lots of potential singers and dancers in our community. The talents should be publicized.”
Participants also acknowledged that the parts of their behaviour are not appropriate for mainstream community. They urged the Government and Bandhu Social Welfare Society to come up with policies and action plans which would assist them to change their unsuitable behaviour.

4.2 Key Informant Interviews

The study team conducted 11 key informants’ interviews with Government bodies and other stakeholders which include lawyers, public servants and political figures. They expressed their expert views about socio-economic, legal and human rights issues. In their opinions, third gender communities in Bangladesh are experiencing discriminations and there are underlying gaps and issues about the election process and voter rights of third gender population. They also gave suggestions which could be feasible ways to minimize the issues and gaps. About seven (7) months before the last national election, Kazi Reazul Hoque (Chairman, National Human Rights Commission (NHRC), KII dated January 22, 2019) issued letters to Election commission and asked for enhancing safety, equality, respectfulness for diverse and unwell voters. In one letter, NHRC specifically urged EC to arrange a separate queue for third gender population so that they could exercise voting rights respectfully. The study team referred to NHRC’s letter and enquired with EC Secretary about why voter ID form was not amended with a slot for transgender community. He said that Election Commission (EC) goes by constitution. The code of conduct of EC does not have any provision for TGPs. In 2017, the EC felt the need to specify TGPs in voter IDs. But voter’s ID was already printed by the time with ‘male’ and ‘female’ slots for National Election in 2018. Election commission secretary abruptly ended the session saying:

“Third gender community would have a separate queue by next election with voter ID bearing their specific identity. He urged the study team sarcastically, “Please do some study to control third gender people’s annoying activity on the road.”

The team enquired with the former minister of Social Welfare, Rashed Khan Menon (KII dated February 3, 2019) why it took four (4) years for EC to feel the urge to amend voter’s ID whereas GoB declared the transgender as ‘third gender community’ in 2013. Former minister said with disappointment that,

“EC officials’ perception on third gender community is not clear. They made transgender people to contest for reserved women’s seat.”

He further said that,

“Transgender people in Bangladesh are vulnerable. They neither receive support from mainstream community nor from the state. I tried my level best to help them, but we need concerted efforts to alleviate their socioeconomic and political positions.”

The study team enquired with department of social services about its role with regards to incorporating third gender’s slot in voter’s ID. One official said that they were keen on issuing a letter to EC before election. In the meantime, Nadira, a Hijra leader, said that EC had been
advised to amend the form. They found a sample voters ID form with a slot for third gender on internet. They thought that sample had been passed and did not follow up with EC for verification.

Dr. Md. Shahjahan (Chairman, Labor Court, KII dated January 23, 2019) added,

“If the letter from NHRS does not sensitize the Election Commission Secretariat, no change will be made in years. If Election Commission does not make an amendment in voter’s ID, NGO networks should take a collective action to persuade EC to make an amendment. While I was in EC, I tried to accommodate transgender’ nominations cases positively.”

Few key informants hope voters ID issues will be solved over the time (A. K. M. Shamim Akhter, Joint Secretary, KII dated February 7, 2019 and Ashiqur Rahman, Advocate, KII dated January 17, 2019). Abeda Sultana (Deputy Director, KII dated January 20, 2019) opined that, “GoB instructed Election Commission in updating the voter lists of third gender population.”

Ministry of Social Welfare spent BDT 114,000,000.00 on skill development program for Hijras across Bangladesh. Each Hijra receives BDT 10,000 upon the completion of the program. However, skilled and trained Hijras face enormous challenge in finding employment and surviving in workplace. Department of Social Welfare advocated to its Ministry for linking Hijras with work placement after the completion of training. But no attempt was taken from their end. In 2014, former Director General, Department of Social Welfare issued letters to banks and organizations seeking work opportunities for TGP’s (Abdur Razzaque Howlader, KII dated February 5, 2019). Nothing was heard further.

Ministry of Social Welfare patronizes bottled drinking water factory which is run by physically handicapped people. Md. Faruque Ahmed (DG, PMO, KII dated January 23, 2019) said,

“Ministry can patronize a small scale enterprise for third gender people to promote their skills and income generating activities, too. It can partner with corporate bodies for further expansion.”

Ministry of Social Welfare introduced monthly BDT 500/- aged-care support for elderly Hijras. Former minister of Social Welfare, Rashed Khan Menon (KII, dated February 3, 2019) said,

“The scheme did not become effective and popular among the group. The amount is insufficient to cater to aged care needs. The amount can’t serve to mobilize the group either as the elderly group of people tends to be dormant and inactive.”

Ministry of Social Welfare proposed to increase aged care support to BDT 1,000/ in a Ministerial meeting. Finance Minister did not approve it on the ground of budget constraints (Abdur Razzaque Howlader, KII, dated February 5, 2019).

Third gender people face serious discrimination in health sector. Jasmin Nahar, Deputy Secretary, Ministry of Health (KII dated February 10, 2019) defends the alleged insensitivities and discriminatory behavior of health professionals saying,
“Those actions are outcomes of long-term fear mainstream people have held against Hijras. Hijras’ unconventional living and unusual mannerism are, in many ways, accountable for public’s reservation against them. Let alone health professionals. We can’t change the perception overnight. It is a long term process.”

Third gender people claimed to have gone through discriminatory and disrespectful medical screenings in Government job. Abeda Sultana, Deputy Director, NLASO (KII dated January 20, 2019) said,

“Any Government employee goes through medical test. Same rule applies for Third gender people. However they go through few extra tests such as STD, STI, and Gonorrhea. Many fake Hijras came out in the medical screening. They find the word ‘fake Hijras’ disrespectful. CID has a record of fake Hijras.”

Ashiqur Rahman, Advocate, Supreme Court (KII dated January 17, 2019) said,

“Doctors do not have clear concept of ‘transgender’ or ‘third gender’. There is no provision for psychological test in existing medical screening.”

Kazi Reazul Hoque, Chairman in NHRC (KII dated January 22, 2019) opines on creating a holistic screening tool upon consultation with Hijras. The tool should incorporate how they like to be screened. A checklist should be created to identify them. NHRC has had round of meetings with the community and is in discussions with National and International bodies.

Key informants further suggest the existing census be revised. An accurate census of TGPs must be made. Former Minister of Social Welfare, Rashed Khan Menon (KII dated February 3, 2019) said, “Nothing can be done further for the community without an accurate census.” NHRS chairman issued a letter to BBS and had dialogues with transgender community, EC and BBS regarding an accurate census (KII dated January 22, 2019).

Tariqul Alam, Joint secretary BBS said,

“We are trying to conduct an inclusive census for the Hijra communities.” He further said that, “By following government instructions and request from acclaimed researchers and activists like Professor Amanullah of Dhaka University and Bandhu, we have already included Hijra category in our upcoming National SME Survey.”

Abeda Sultana, Deputy Director, NLASO (KII dated January 20, 2019) said,

“There are many undocumented TGPs. GoB should ask ward councilors and Police stations to take registration of TGPs in respective councils and suburb areas. That would enhance the accuracy of the number of TGPs. GoB should include TGP rights in Gazette Bangladesh, too.

Department of Social Welfare started taking census of TGPs across Upazilla and 80% of the census is claimed to be done. The census includes TGPs linked with Guruma (Hijra leader) and TGPs without Guruma (Abdur Razzaque Hawlader, KII dated February 5, 2019).

Key informants suggested that GoB come up with a manual of TGPs (Md. Ashiqur Rahman, advocate/ Supreme Court, KII dated January 17, 2019) or ‘a checklist’ (Kazi Reazul Hoque;
Chairman/NHRC; January 22, 2019) and an accurate census of the community. It will help GOB bodies to ascertain TGP friendly policies and services.

Our dubious legal system is partly accountable for discriminatory position of TGPs. Our constitution (Article 27) and GoB’s recognition in 2013 allow them to enjoy equal citizenship rights as any other citizen. In the same time, discriminatory legal and policy framework make their lives discriminatory. It is crucially important for GoB to pass the amended draft of anti-discrimination Act 2014. Ashiquur Rahman, Supreme Court advocate (KII dated January 17, 2019) said,

“Social conditions of TGPs will start improving if we have three things ready: a real census, definition of TGPs, and Anti-Discrimination Act 2014.”

Former Minister of Social Welfare, Rashed Khan Menon (KII dated February 3, 2019) said,

“I took attempts to know the current position of Anti-discrimination Act but I could not complete it due to national election.”

Kazi Reazul Hoque (Chairman, NHRC; KII dated January 22, 2019) said,

“In the draft of anti-discrimination Act, 2014, we included the views of different government bodies, think-tanks and representatives of underprivileged communities. The draft made any kind of discrimination toward others, on the ground of religion, faith, community, race, custom, culture, occupation, ethnic minority, gender diversity, sexual orientation, disability and pregnancy, punishable. Once the law is passed, it would create an instant positive impact in the society. People will stop exhibiting discriminatory behavior due to the fear of being punished.”

Dr. Md. Shahjahan (Chairman, Labor Court, KII dated January 23, 2019) said,

“If people of Bangladesh collectively demand for passing Anti-discrimination Act, 2014, it will be passed. Otherwise it will sit in the desk for years. We need massive movement for this law to be passed.”

Public mindset is still acrimonious toward TGPs with the visibility of little improvement. That reflects on policy making, law enforcement and service delivery. Many key informants think if clarity, completeness and social justice are incorporated in our existing laws, improvements will show up amid stigma and prejudice. As Md. Ashiquur Rahman, advocate/ Supreme Court (KII dated January 17, 2019) puts in,

“Incomplete laws need to be completed. Our inheritance law did not include third gender’s share yet. Female child is entitled to inherit half of the property share of the male child. Transgender children’s share needs to be fixed.”

Department of Social Welfare issued a letter to the ministry of Law, Justice and Parliamentary Affairs asking for amendments of inheritance law (Abdur Razzaque Hawlader, KII dated February 5, 2019). Bandhu is drafting a Writ petition for amending existing inheritance law (Abeda Sultana, Deputy Director, NLASO (KII dated January 20, 2019). She further said,

“Legal Aid 2000 came about to address the legal needs of poor and vulnerable people who refrain from getting legal help due to expensive and lengthy court and legal
proceedings. Vulnerable people and people with yearly income level of BDT 100,000 and less are entitled to receive free legal help. Unfortunately, TGP's do not make on the list of vulnerable people. Our organization is planning to include TGP's and is raising the matter in the next Board meeting. NLASO issued letters to legal aid officers across 64 districts of Bangladesh with an instruction on demonstrating respectful and holistic services to TGP's.”

NHRC also issued sensitization letters to all Government departments and ministries (Chairman, NHRC; KII dated January 22, 2019). Former Minister of Social Welfare, Rashed Khan Menon said, “I was planning to issue sensitization letters to all ministers. But I could not do it due to time constraint” (KII dated February 3, 2019).

Lots of policy dialogues and round table meetings took place (Abeda Sultana, Deputy Director, NLASO; KII dated January 22, 2019). Advocacy should start from micro to state level. Md. Ashiqur Rahman, advocate/ Supreme Court (KII dated January 17, 2019) said, “Stigma is deep rooted. We, the activists, are teased for working with Hijras.

“Mr Faruque said, “It is a long term process to create a stigma free society where both TGP's and non-TGP's will participate together, be it in the workforce or election. Bangladesh can’t attain an inclusive society unless people from all walks of life participate in their own capacity. Therefore, advocacy should stay in every level of society until inclusiveness is achieved. Department of Social Welfare should take visible and forefront role (Md. Faruque Ahmed, DG, PMO; KII dated January 23, 2019).

All key informants urged more proactiveness and initiatives in advocacy and campaigns from Department of Social Welfare. According to Abdur Razzaque Hawlader (KII, dated February 5, 2019) said,

“Department of Social Welfare does the best in its capacity. There are few things in the hand of its respective Ministry. A few things are beyond the capacity of the Ministry of Social Welfare and they require cooperation and partnership with other departments and ministries. That can’t always happen due to many reasons. He hinted on lack of perception, absence of sensitization and budget constraint.”

Department of Social Welfare did media campaign in support of accepting transgender communities as third genders. They conducted awareness programs on TGP’s rights 2/3 times till 2016. Those programs included ministers and high officials. One Key informant spoke, on the condition of anonymity, about misappropriation of fund in the Department of Social Welfare with regards to payment to Hijras after round table discussion. Participants are assigned to be paid BDT 10,000 each at the end of the meeting whereas they go away with BDT 5,000 each. The very key informant suggests GoB recruits an independent monitoring and evaluation team to monitor fund allocation and service delivery. Department of Social Welfare denied the allegation.

The key informants agree with FGD participants on the fact that TGP children can be raised normally in their family. Family is the first unit which should be sensitized and advocated to.
Family support can help transgender children overcome many challenges. School is another important institution which needs to be sensitized. In this regards, Prof. Dr. Md. Abdul Mannan (Director, Secondary Education (KII dated January 28, 2019)) said,

“Age-appropriate sensitization should start at elementary/ kindergarten level. A workshop can be done with little children, TGPs, activists and teachers. NGOs and activists can play active roles in this regards. They can issue letters to Ministry of Education, have meeting with officials and ask for introducing special quotas for transgender children in secondary school. Usually, many of them leave school at secondary level. It is high time NGOs and activists have meetings with NCTB officials and ask for the inclusion of age-appropriate chapters on TGPs.”

He further said,

“Government should give the responsibility to the think tanks of the society to explore ways for social inclusion of TGPs. Discrimination lies with the term ‘third gender’. Let’s give the responsibilities to the think-tanks to come up with a holistic and respectful name for the group.”

People of Bangladesh live in a faith-based society and faith-based culture dominates their thought process and world-views. It is challenging to separate them from faith and inter-generational thought process and custom (Prof. Dr. Md. Abdul Mannan, Director, Secondary Education (KII dated January 28, 2019). Therefore, Abeda Sultana (Deputy Director, NLASO, KII dated January 20, 2019) suggests Sharia law and personal law should be amended and integrated under the direction of Appellate division. She further said, “Every rights issue needs to be worked out and incorporated in laws. There has to be specification on which part of the law needs interpretation.”

Department of Social Welfare (Abdur Razzaque Hawlader, KII, dated February 5, 2019) issued letters to Ministry of Religious affairs to solve the rights issues of TGPs. Then Secretary was changed and the matter stayed in the desk.

Three (3) transgender women got nominations for reserved women’s seats. Key informants find it a stepping stone for the empowerment of TGPs. Former Minister of Social Welfare, Rashed Khan Menon (KII dated February 3, 2019) said,

“It is a great challenge to sensitize the society. If any representative from TGP wins a seat in Parliament, public’s perception will start changing about the community.”

Dr. Md. Shahjahan (Chairman, Labor Court, KII dated January 23, 2019) said,

“It is an achievement, no doubt. Three transgender women are contesting for reserved women’s seat. But, they are bearing male identities in official documents such as NID, passport and voter’s ID. They will be disqualified on the ground of being officially males contesting for reserved women’s seats.”

A policy maker said on a condition of anonymity,

“…while allocating budgets; policy makers have to prioritize issues which have impact on greater number of population. In the yardstick of priority, ten thousand or few more thousand Hijras are nominal. Every policy is tied up with budget. While allocating
budgets, Hijras come in the bottom. It is quite understandable why Government is unable to introduce more services for them. We have to meet the target of SDG goals by 2030 in which aged population and climate are on top list. Hijras make part far bottom in the list.”

Jasmin Nahar, Deputy Secretary, Ministry of Health (KII dated February 10, 2019) addressed Government’s budget constraints and suggested projects in public private partnerships. She said that,

“Behavior and mannerisms of Hijras which are unsuitable for mainstream society and suggests a separate education system and accommodation/orphanage for Hijras which will teach them mainstream education and behavioral training. At the same time advocacies and publicities should continue to sensitize mainstream society. When both groups will come to a comfort zone, they can be integrated with less challenge.”

Ministry of Social Welfare (as observed by Abdur Razzaque Hawlader, KII, dated February 5, 2019 and Former Minister of Social Welfare, Rashed Khan Menon, KII dated February 3, 2019) initiated ten residential hostels in ten districts for Hijra rehabilitations. Letters were issued to DCs and suitable lands were asked for. Response was positive. But the project was postponed. The officials felt that the hostel could turn into a Hijrapolli and the inhabitants could become more isolated again unless all essential elements of Social condition are not improved.

The key informants are in full praise of the activities of Bandhu Social Welfare Society and related organizations. NHRC chairman thinks Bandhu Social Welfare Society deserves all credits for the current improved conditions of TGPs. Md. Faruque Ahmed (DG, PMO, KII dated January 23, 2019) said,

“NGOs are doing great in primary level. They should enhance job link services too.”

Dr. Shahjahan (Chairman, Labor Court in KII dated January 23, 2019) urged NGOs to enhance advocacy, publicity and campaign in ministries, policies, neighborhood, rural and district levels. He further urged them to have round tables with Government and make funds accessible. According to him, NGOs can unite the nation. Nation can create a revolution in this regard.

### 4.3 In-depth Interviews

The team conducted five (5) In-Depth Interviews with NGO officials and a lawyer. The informants said that Social condition of TGPs improved to some extent after they had been recognized as “third gender people” in 2013. Through the recognition, GoB started the primary process of bringing the community into mainstream society (Md. Shah Alam, Advocate, District Judge Court, IDI dated January 17, 2019). He said,

“The community has been neglected in the family, society, and political process. Existing policy and law do not always support them. Lot of works need to be done. Our Prime Minister supports the cause of the community. If International organizations come forward, we can bring them to mainstream community with less challenge.”
Md. Mostofa Zamil (Deputy Director, BLAST, IDI dated January 20, 2019) laments on the fact that TGPs are yet to receive basic human rights in spite of Government’s recognition and their equal constitutional rights stipulated in Article 27. He said,

“There are no TGP friendly facilities in urban and rural hospitals. It is crucially important to have quotas for TGP students in secondary schools. Because most TGP students drop out in secondary school level. There are subsidies for female students. But nothing for TGPs.”

“There is a stark gap between law and its implementation. Rights bodies are not sensitized and serious enough in implementing laws. GoB opened employment opportunities for TGPs. Many Hijra candidates went through disrespectful screening and were disqualified on the ground of being “fake Hijra” status. They do not have right direction.”

The current medical system in Bangladesh does not support psychological tests in determining Hijras (Md. Shah Alam, Advocate, District Judge Court; IDI dated January 17, 2019). It is very important to include TGPs’ opinions on how they would like to be screened and how they would like to be included in mainstream society (Md. Mostofa Zamil, Deputy Director, BLAST; IDI dated January 20, 2019). Regarding screening tool, Md. Moshiur Rahman (Deputy Manager; Bandhu Social Welfare Society, IDI dated February 3, 2019) said,

“Real Hijras are those who stay as disciples of Guru Maas for a long period of time. A list of Hijras should be made who are linked with Guru Maas. Thana, Upazilla, police station, BBS should have the list. People who are not listed should only undergo screening. That procedure can help identifying real and fake Hijras.”

Coexistence of Article 27, Section 377 of penal code, current inheritance laws, which excludes a third gender person’s share of parental property, make TGP’s position dubious and discriminatory (Md. Mostofa Zamil, Deputy Director BLAST, IDI dated January 20, 2019 & Mohammed Rofiqul Islam, Deputy Manager, Bandhu, IDI dated January 16, 2019).

The informants think an accurate census is needed to address the needs of TGPs. Mohammed Rofiqul Islam (Deputy Manager, Bandhu, IDI dated January 16, 2019) is not ready to accept the current census of Hijras which is 10,000. In his opinion,

“Hijras would be few lacs in numbers. Without a proper census, there will always be a loophole in policies. Policy makers need an accurate census to create policies. BBS, EC and other ministries will take transgender issues seriously if accurate census is done (Moshiur Rahman.”

If Anti-Discrimination Act 2014 is passed with a definition of TGP and an accurate census, it will be easy to link with other laws. Md. Mostofa Zamil, (Deputy Director, BLAST; IDI dated January 20, 2019) said that BLAST is doing advocacy and policy dialogues to enhance the understanding of policy makers, community leaders, Government officials and service providers. BLAST is also educating and advocating TGPs about their rights. Bandhu Social Welfare Society has been holding round of roundtable meetings and dialogues with policy makers and
Government officials to establish political standing and social justice for the community since the recognition (Moshiur Rahman, Deputy Manager, Bandhu Social Welfare Society, IDI dated February 3, 2019).

Mr. Moshiur regrets that all NGOs are not sustainable and they work with limited resources and capacity. Initiatives have to come from the respective ministries. Ministry of Social Welfare gets lot of funds for advocacy which they should utilize for further advocacy to all stakeholders. In his opinion, former Minister of Social Welfare could not fulfill his plans for TGPs due to time constraints and lack of cooperation from other ministries. Moshiur said that if the ex-Minister is sensitized enough, he could raise the issue in parliament. That would help other ministers to ponder on TGP issue. He further observes,

“If policy makers are not clear with perception and census, they will be reluctant to work on TGP issues. Ministry of Social Welfare should be more proactive in this matter and take the responsibility to partner with other ministries. All ministries should work hand in hand. We, NGOs, can work with them in program implementation”.

Md. Mostofa Zamil (Deputy Director, BLAST, IDI dated January 20, 2019) said that,

“BLAST had sensitization meetings with district level stakeholders. They trained up 20 legal informants from TGP across six divisions”.

Few key informants think that NGOs need to create a strong platform to increase advocacy. Moshiur Rahman of Bandhu Social Welfare Society noted,

“…Many NGOs are indifferent and not passionate about TGPs’ cause. Few NGOs compete against each other. It is very important to have strong NGO platform. Bandhu Social Welfare Society is working on it. Meetings need funding. Therefore, the organization approached corporate bodies for sponsoring meetings. They are receiving positive feedback. Bandhu is included in UPR process. Other UPR-listed NGOs expressed solidarity with Bandhu’s cause. A strong NGO platform can do stronger advocacy at national and international level.”

The informants agreed that TGPs were treated more respectfully in polling booths. But they had to choose between male and female queues on the basis of their gender identity mentioned in official documents. They lauded that three trans-women would be contesting for reserved women’s seats and are hopeful about more TGP’s participation in active politics. But Mohammed Rofiqul Islam (Deputy Manager; Bandhu Social Welfare Society, IDI dated January 16, 2019) doubts about TGP’s scope to participate in active politics as they are often victims of ‘body politics’.
Chapter Five
Discussions and Gaps in the Election Process

5.1 Discussion

Having conducted four (4) FGDs, 12 KIIs and Five (5) IDIs, the study team acquired a deep understanding on the effects of policies and laws on transgender communities living in Bangladesh. Government of Bangladesh recognized its transgender population as “third gender population” in 2013. With the recognition, GoB started the process of inclusion of TGPs in mainstream society. People and organizations started knowing them and a few number of influential people started thinking about them. Some NGOs and activists came forward to working with them. GoB also launched number of schemes for them. The target communities were truly benefitted to some extent by the interventions. TGPs are more active in social domain now than ever before. According to the community, their social position is better than before. Few of them dare to study and take up regular employment amid grave stigma and social challenge. Their leaders (Guru Maas) take part in round-table meetings with government officials, ministers, NGO officials, religious leader which was impossible before.

Whereas GoB’s recognition and Article 27 proved as protective factors, section 377 of penal code, current inheritance laws and with-held Anti discriminatory Act 2014 made Bangladeshi Hijras position discriminatory. Department of Social Welfare opened several schemes for TGPs as parts of social inclusion process. No scheme has been proved very effective. Firstly, transgender population, who took part in the skill development program of Department of Social Welfare, were given BDT 10,000/-each at the end of the program. Most of the program recipients were unable either to find employment and business or to survive in workplace. In FGD sessions, participants said with disappointment that skill development program should have been linked with job placements.

Department of Social Welfare opened up few employment opportunities for TGPS. Unfortunately, many Hijra candidates got disqualified in medical screening on the ground of being “fake Hijra”. As the greater society is still prejudiced against TGPs, it is extremely challenging for skilled TGPs to find work or survive in workplace. As part of the primary process of social integration, Department of Social Welfare should have linked job placement with skill development programs.

Past Director General (DG) issued letters to few organizations and banks. DG got changed and initiative was not carried forward. Plans and action of Government bodies get stalled with the transfer of concerned officials. The Secretary of the department of Social Welfare liaised with the Ministry of Religious affairs to sort out TGP’s last right issues. Work got postponed with the transfer of the secretary. The department also issued letters to the ministry of law, justice and
parliamentary affairs to solve TGP’s inheritance issues. The counterpart did not seem to be active yet.

Monthly aged care allowance of BDT 500/- could not have been very effective for elderly TGPs as such insufficient amount are not enough to cater to their care-need. Ex. Minister, Rashed Khan Menon said that such amount was not useful to mobilize young TGPs. It is very important for GoB to have a holistic checklist of “transgender population” that would include their definition and service needs as well as an accurate census. Those are essentially important to create relevant and appropriate services for TGPs. The respective Ministry initiated to make the aged-care allowance relevant and proposed for the increase of the amount to BDT 1000/- in a ministerial meeting. It was rejected. Medical screening would have been more respectful if anti-discrimination Act 2014, census and definition were updated. Current medical screening tools do not support Hijra’s psychological tests.

TGP’s social condition could be improved if loopholes of policies and laws were fixed. Participants in FGD, KII and IDI believe if Anti-Discrimination Act 2014 is passed, stigma and prejudice can be reduced against TGPs in workplace, educational institutes and social arenas. People will stay away from exhibiting discriminatory behaviour in the fear of being punished. Study team enquired about the current status of the draft of Anti-Discrimination Act 2014 with NHRC, Legal experts, Ministry of Social Welfare and Department of Social Welfare. Legal expert suggested collected actions of NGOs, activists and masses. Department of Social Welfare and Ministry of Social Welfare did not play any role in mobilizing the file. Although ex-minister tried to know the status of the file once, nothing was effective. It was evident for the team that lack of integration between Government bodies and their respective ministries make Government actions delayed.

Study team referred to the advocacy roles of the various social welfare departments and enquired about how departments are doing in sensitizing its officials, counterparts from other Government bodies and ministries. It was found out upon discussion that professional boundaries of officials and different degrees of sensitization among them are hindrances in clearing loopholes in policies & laws and service delivery, too. The lack of empathy is evident in health sector, too. Policy makers justify saying every new policy, law amendment and service provision are tied up with budgets. Higher numbers of population get priority in budget allocation. Census of TGPs is very nominal in this regard and they get less priority in budget allocation. NGOs are playing very active roles in doing advocacy and campaign. Department of Social Welfare has not conducted 2/3 awareness programs since 2016 and it appeared to be concerning for study team.

It is hugely challenging to get a sensitized and inclusive society in the short run where all communities will participate as per capacity. Deep-seated stigma and prejudice make it impossible for authorities to take steps in taking Hijras away from the control of Guru Maas and rehabilitate them in mainstream society. It is comparatively easier to raise a transgender adolescent in the mainstream society with holistic support of family and education institute. FGD
participants and key informants said that a transgender adolescent could thrive in the family. If families and schools are sensitized, transgender adolescents can be protected from the traps of Guru Maas. Therefore, it is recommended to continue advocacies at multi-sectorial levels. The study team met the Director of Secondary Education to explore options to retain transgender students in secondary schools. He shared his valuable insights with the team such as transgender quota system, transgender sensitivities in school, and incorporating chapters on transgender community. He asked the NGOs, activists, civil societies to get united and do advocacy to GoB to accommodate transgender friendly contents in school curriculum. His statement revealed again that he is bound to follow professional boundary. He looks up to the action of NGOs and conscious citizens to bring out social change.

5.2 Gaps in the Election Process

Transgender voters were treated more respectfully in polling booths in recent National election comparing to past elections. But they faced identity challenge as voter list had not included any slot for transgender people. Therefore, they had to go by the gender identity recorded in official documents. EC was expected to have amended voter list form before National election 2019. The study team identified few potential issues while enquiring about the organization’s inability to include transgender people in the voter list. It took four (4) long years for EC to feel the need in 2017 that TGPs be included in voter lists. But they kept the matter on hold till Election 2018 as most of the voter lists were printed in old formats by that time. Question arose why a very important Government agency had missed to take the matter on board in 2013 soon after Election 2013 and Government’s recognition. Former Minister of Social welfare called EC “unsensitised”. EC secretary demonstrated indifferent attitude toward the group in the meeting with the study team. Ministry of Social Welfare, which is responsible for the improving social condition of socially disadvantaged people, has the obligation for sensitizing other government bodies.

Team enquired the matter with Department of Social Welfare and found out the officials had not issued a single letter to EC as they relied on an unofficial source of information, a former transgender candidate for council election, and a sample voter list format on Google. They did not cross-check with EC and thought voter list had been amended with a slot for transgender. The officials received actual information only when study team had a meeting with them. It could be argued that lack of communication between Government bodies, stand-alone government services and dearth of sensitization are, in many ways, responsible for why the Department of Social Welfare failed to contact EC before election. But NHRC had updated information and issued letters to EC with regards to the amendment of voter lists.
Chapter Six
Conclusions and Recommendations

6.1 Conclusion
Bangladesh is a country of diverse population with diverse need. Transgender population is one of them. GoB recognized transgender population as “third gender people” in 2013. That was the primary process from the side of the GoB to include TGPs in mainstream society. Amid political, social and legal challenges, GoB opened up schemes for their upliftment. It is very challenging to fight deep-rooted stigma and unequal level of sensitization in the society and make all basic rights accessible to TGPs. All stakeholders should come forward and work hand in hand to eradicate the issues.

The study team had gained an idea that without changing the mind-set of Election Commission Secretariat and the ministers responsible for conducting national and local elections, Hijra communities in Bangladesh cannot participate in election process. As observed by many political scientists and sociologists, politics is a process and people participate in this process when they are empowered and don’t face any discrimination in the greater society and policies. In this regard, to be active in the political process, Bangladeshi Hijra community needs updated Anti Discriminatory Law and subsequent policies immediately. The current attempts of some Hijras to contest in the local elections don’t testify that they are empowered in the political or election process of Bangladesh.

6.2 Recommendations
The study team came up with a number of recommendations which are as follows:

Fixing Definition of GDPs/Hijras and Conduction of an Inclusive Census

24. A holistic definition of the TGP discourse and a discreet manual of transgender population are urgently needed. In completing this process, the policy makers need to incorporate the opinions of transgender community representatives and consider harmless cultural traits/components of Hijra beliefs and practices and WHO definition of transgender people.

25. An accurate census of Hijras and sexually diverse population is needed. Inclusion of EC, BBS, local police stations, ward councilors, Upazilla Parishads and union Chairmans in an accurate census making process is paramount. A proper census is needed for effective participation of TGPs in the election process of Bangladesh at all levels.

26. Government should make two separate lists of Hijras: one is for those who are linked with Guru Maas and the other one is for those who are not with Guru Maas. That list can be
used as an identification tool of real Hijras. The people who claim to be Hijras but not listed should undergo WHO prescribed culture-sensitive medical screening.

National Hijra Welfare Board (NHWB)

27. Government should form a National Hijra Welfare Board in association with leading NGOs working with Hijras and gender diverse populations.

Formation of a High-Powered Committee to Lobbing with EC and Ministries

28. A concerted effort should be taken by a high-powered team involving both GoB and NGO activists in changing the mind-set of Election Commission Secretariat and the ministries responsible for conducting national and local elections.

29. Hijra communities in Bangladesh should be encouraged to participate in election process. In this regard, they should have technical and financial support.

Anti-Discriminatory Law Should be Passed Immediately

30. Anti-Discriminatory Law and subsequent policies should be passed in the parliament soon so that relevant departments feel the urge to include Hijra issues in the active political process of the country. The current attempts of some Hijras to contest in the local elections don’t testify that they are empowered in the political or election process of Bangladesh.

Sensitization for Effective Service Delivery and GDP Rights

31. Organize roundtable meetings among Hijra representatives, ministers, government and service providers to identify respectful, culturally appropriate and effective engagement of TGPs in the election process of Bangladesh.

32. Hold more sensitizing workshops between transgender and non-transgender communities which could create a reciprocal tolerance level in engaging TGPs in the election process.

33. Sensitize families and communities about transgender adolescents. Hold awareness program on transgender issues for families and teachers. Make it compulsory that every transgender adolescent stays with family and attend regular school. Any sort of discrimination and bullying will be punishable.

34. Organize age-appropriate sessions with kindergarten and primary school children on transgender people. That would create tolerance and empathy toward TGP from early childhood.

35. Incorporate a small chapter on TGPs in school syllabus. Based on Bandhu’s pilot program and its experiences, transgender issues should be incorporated in the mainstream national
36. Assign research scholars, think-tanks and civil society members to work together and come up with holistic intervention programs for the groups.

37. Introduce short-term and long-term social research fellowships on TGP issues in public universities and encourage more participation of meritorious students.

38. Advocate private organizations and corporate houses for participating and sponsoring sensitization meetings and workshops.

39. Spread awareness to rural and Upazilla levels and distribute leaflets & poster bearing messages of tolerance toward TGPs.

40. Promote craft, skill and harmless cultural components of Hijra people through exhibitions, print and TV channels.

**Income Generation**

41. Advocate employment agencies, business organizations and producers to increase work opportunities for TGPs.

42. Enhance partnership and network among service providers, government bodies and ministries. Send instruction to all public and private service organizations such as health/education/employment to create jobs and services for TGPs.

43. Train up transgender community workers who can work with socially isolated Hijras in a more appropriate and trustworthy manner.

**Common Platforms and Partnerships**

44. Create a strong NGO platform which could conduct strong advocacy in individual, social, legal and policy level. Strong advocacy and campaign are more likely to mitigate legal and policy loopholes

45. Encourage partnership among all stakeholders in the society. They will work jointly for the development of TGPs.

46. Create an independent body which could monitor the effectiveness of service delivery and allocation of fund in both private and public sectors.
Recommended Citation:
Annexure: Study Tools

Tool 01
FGD Checklist
Analyzing the Gaps about the Election Process and the Voter Rights of Third Gender Population
Bandhu Social Welfare Society
99 Kakrail, 2nd Floor, Dhaka 1000, Bangladesh.
Phone: +88 02 9339898, 9356868

General Instructions:
- FGD sessions should not be more than 1 hour and 30 minutes. This may be extended based on the interest of the participants, but not more than 1 hour maximum.
- In each FGD session, a maximum of 10 and a minimum of 6 participants should be included.
- Seating arrangement should be U-shaped so it's easy to communicate directly with all participants.
- Participants must agree in advance to take part by signing/consenting in the attendance sheet.
- One consultant/Senior Team member will facilitate the FGD session.
- A note taker will be designated and take discussion notes in English/Bangla.
- A short debriefing session for the FGD participants will be done by the Facilitator to validate the information given by the participants.

Ethical Instructions:
In conducting the FGD session, social science research protocol and policies should be followed rigorously. Listen to everyone with respect; maintain privacy and confidentiality by not disclosing FGD findings to other groups.
1. Photographs can only be taken with prior permission of the participants.
2. Recording can only be made with the prior consent of the participants.
3. The consent note will be read out to the participants and all participants will be informed that they can withdraw from the discussion at any point if s/he so wishes.
4. Any sensitive issue such as religion, ethnicity, caste, sexual identity, and gender will be discussed carefully.

Consent Form:
The Third Gender Population (TGP) faces several human rights challenges. Considering those various human rights issues and vulnerabilities Bandhu Social Welfare Society (BANDHU) wants to conduct a study titled “Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population” to explore the current socio-economic, legal status and human rights situation of the TGP, the underlying issues and gaps about the election process and the voter rights of the TGP, and feasible ways and means to minimize the gaps about the election process and the voter rights of the TGP. Without conducting an analysis of the human rights challenges of the community it would be difficult to gain deeper understanding of current obstacles and develop right strategies to improve their overall situation. Your opinion will help us to gain deeper understanding of current obstacles that hinder their status and development. However, your information will be kept confidential and collected information will be used for the purpose of the formulation of policies regarding the quality improvement of TGP Communities in Bangladesh in the context of human rights and socio-economy. The discussion will take at best one hour. We need to take some notes during this session. We may also need to take your group photographs, if you allow us. Again, we may also record the discussion if you permit us. We invite you to participate freely and fully in the session as a participant. We hope for your active participation in the session. However, you have every right to withdraw anytime in this session. If any topic makes you uncomfortable please say so to the facilitator. If you agree to participate in our discussion session, and for us to record the discussion, please sign/consent the attendance sheet.
(Note to the Facilitator: Please explain what they are giving consent to - write it out and read it out to each person so they are clear.)

Attendance Sheet
FGD Session with the Community Representative
Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population

Date: December, 2018

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Discussion Starting Time: ____________  Discussion Closing Time: ____________

Note
First of all, Ice Breaking Session will be conducted by the facilitator. Here some fun or a quick game or tell an interesting story or something innovative and inspiring will have to be done. Total 5-10 minutes will be spent for the Ice Breaking Session. At the second stage, some discussion topics/questions will be discussed with the participants and take the consensus responses from them. Most of the time will be used here. Finally, a debriefing session will be conducted by the facilitator. Here a short summary of this discussion will be conducted before closing and verify if the participants agree with the discussion points and then thank them for their time.

Discussion Topics/Questions

Discussion Topic: 1
What is the current status of the Third Gender Population (TGP) in Bangladesh in the socioeconomic and political context? Could you provide some examples?
Discussion Topic: 2
What is the current status of the TGP in Bangladesh in the legal context? Could you provide some references?

Discussion Topic: 3
What is the current status of the TGP in Bangladesh in the human rights context? Could you provide some instances in the light of human rights perspective? Do you have any idea about the numbers of TGP in Bangladesh? Is there any Census of TG?

Discussion Topic: 4
Is there any national identity of TG population? What are the underlying issues about the election process and the voter rights of the TGP?

Discussion Topic: 5
What’s your expectation from the government in relation to your voting rights? What are the underlying gaps within the election process and the voter rights of the TGP?

Discussion Topic: 6
What is your suggestion to minimize the gaps about the election process and the voter rights of the TGP?

Discussion Topic: 7
What is your recommendation to ensure the voting rights of the TGP in Bangladesh?

Thank You
**Tool 2**

**KII Checklist**
Analyzing the Gaps about the Election Process and the Voter Rights of Third Gender Population

**Bandhu Social Welfare Society**
99 Kakrail, 2nd Floor, Dhaka 1000, Bangladesh.
Phone: +88 02 9339898, 9356868

**General Instructions:**
- KII sessions should not be more than 1 hour. This may be extended based on the interest of the participants, but not more than 1 hour maximum.
- Participants must agree in advance to take part by signing/consenting in the attendance sheet.
- One consultant/Senior Team member will facilitate the KII session.
- A note taker will be designated and take discussion notes in English/Bangla.
- A short debriefing session for the KII participant will be done by the Facilitator to validate the information given by the participants.

**Ethical Instructions:**
In conducting the KII session, social science research protocol and policies should be followed rigorously. Listen to the respondent with respect; maintain privacy and confidentiality by not disclosing KII findings to other groups.
- Photographs can only be taken with prior permission of the participant.
- Recording can only be done with the prior consent of the participant.
- The consent note will be read out to the participant and all participants will be informed that they can withdraw from the discussion at any point if s/he so wishes.
- Any sensitive issue such as religion, ethnicity, caste, sexual identity, and gender will be discussed carefully.

**Consent Form:**
The Third Gender Population (TGP) faces several human rights challenges. Considering those various human rights issues and vulnerabilities Bandhu Social Welfare Society (BANDHU) wants to conduct a study titled “Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population” to explore the current socio-economic, legal status and human rights situation of the TGP, the underlying issues and gaps about the election process and the voter rights of the TGP, and feasible ways and means to minimize the gaps about the election process and the voter rights of the TGP. Without conducting an analysis of the human rights challenges of the community it would be difficult to gain deeper understanding of current obstacles and develop right strategies to improve their overall situation. Your opinion will help us to gain deeper understanding of current obstacles that hinder their status and development. However, your information will be kept confidential and collected information will be used for the purpose of the formulation of policies regarding the quality improvement of TGP Communities in Bangladesh in the context of human rights and socio-economy. The discussion will take at best one hour. We need to take some notes during this session. We may also need to take your group photographs, if you allow us. Again, we may also record the discussion if you permit us. We invite you to participate freely and fully in the session as a participant. We hope for your active participation in the session. However, you have every right to withdraw anytime in this session. If any topic makes you uncomfortable please say so to the facilitator. If you agree to participate in our discussion session, and for us to record the discussion, please sign/consent the attendance sheet.

(Note to Facilitator: Please explain what he/she is giving consent to - write it out and read it out to each KII participant so he/she is clear.)
Attendance Sheet
KII with the Project Relevant Stakeholders
Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population

Date:

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Discussion Starting Time:  

Discussion Closing Time:  

Discussion Topics/Questions
(First of all, Introductory Session will be conducted by the facilitator. At the second stage, some topics/questions will be discussed with the interviewee/participant. Finally, a short summary of this discussion will be shared before closing and verify if the interviewee/participant agrees with the discussion points and then thank him/her for their time.)

Discussion Topic: 1
What is the current status of the Third Gender Population (TGP) in Bangladesh in the socioeconomic context?

Discussion Topic: 2
What is the current legal status of the TGP in Bangladesh? Could you provide some instances in the light of legal perspective?

Discussion Topic: 3
What is the current human rights status of the TGP in Bangladesh?

Discussion Topic: 4
What are the underlying issues within the election process and the voter rights of the TGP?

Discussion Topic: 5
What are the underlying gaps within the election process and to ensure the voter rights of the TGP?

Discussion Topic: 6
What is your suggestion to overcome the gaps within the election process and to ensure the voter rights of the TGP in Bangladesh?

Discussion Topic: 7
What is your recommendation to ensure the voter rights of the TGP in Bangladesh?

Thank You
**Tool 3**

**IDI Checklist**
Analyzing the Gaps about the Election Process and the Voter Rights of Third Gender Population

**Bandhu Social Welfare Society**
99 Kakrail, 2nd Floor, Dhaka 1000, Bangladesh.
Phone: +88 02 9339898, 9356868

**General Instructions:**
- IDI sessions should not be more than 1 hour. This may be extended based on the interest of the participants, but not more than 1 hour maximum.
- Participants must agree in advance to take part by signing/consenting in the attendance sheet.
- One consultant/Senior Team member will facilitate the IDI session.
- A note taker will be designated and take discussion notes in English/Bangla.
- A short debriefing session for the IDI participant will be done by the Facilitator to validate the information given by the participants.

**Ethical Instructions:**
In conducting the IDI session, social science research protocol and policies should be followed rigorously. Listen to the respondent with respect; maintain privacy and confidentiality by not disclosing IDI findings to other groups.
- Photographs can only be taken with prior permission of the participant.
- Recording can only be done with the prior consent of the participant.
- The consent note will be read out to the participant and all participants will be informed that they can withdraw from the discussion at any point if s/he so wishes.
- Any sensitive issue such as religion, ethnicity, caste, sexual identity, and gender will be discussed carefully.

**Consent Form:**
The Third Gender Population (TGP) faces several human rights challenges. Considering those various human rights issues and vulnerabilities Bandhu Social Welfare Society (BANDHU) wants to conduct a study titled “Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population” to explore the current socioeconomic, legal status and human rights situation of the TGP, the underlying issues and gaps about the election process and the voter rights of the TGP, and feasible ways and means to minimize the gaps about the election process and the voter rights of the TGP. Without conducting an analysis of the human rights challenges of the community it would be difficult to gain deeper understanding of current obstacles and develop the right strategies to improve their overall situation. Your opinion will help us to gain deeper understanding of current obstacles that hinder their status and development. However, your information will be kept confidential and collected information will be used for the purpose of the formulation of policies regarding the quality improvement of TGP Communities in Bangladesh in the context of human rights and socio-economy. The discussion will take at best one hour. We need to take some notes during this session. We may also need to take your group photographs, if you allow us. Again, we may also record the discussion if you permit us. We invite you to participate freely and fully in the session as a participant. We hope for your active participation in the session. However, you have every right to withdraw anytime in this session. If any topic makes you uncomfortable, please say so to the facilitator. If you agree to participate in our discussion session, and for us to record the discussion, please sign/consent the attendance sheet.

(Not to Facilitator: Please explain what he/she is giving consent to - write it out and read it out to each IDI participant so he/she is clear.)
Attendance Sheet
IDI with the Key Relevant Stakeholders/Target Groups
Analysing the Gaps about the Election Process and the Voter Rights of Third Gender Population

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Discussion Starting Time:  
Discussion Closing Time:

Discussion Topics/Questions
(First of all, Introductory Session will be conducted by the facilitator. At the second stage, some topics/questions will be discussed with the interviewee/participant. Finally, a short summary of this discussion will be shared before closing and verify if the interviewee/participant agrees with the discussion points and then thank him/her for their time.)

Discussion Topic: 1
What is the current socioeconomic status of the Third Gender Population (TGP) in Bangladesh?

Discussion Topic: 2
What is the current legal status of the TGP in Bangladesh? Could you provide some instances in the light of legal perspective?

Discussion Topic: 3
What is the human rights situation of the TGP in Bangladesh? Are there any legal gaps in ensuring human rights towards TGP?

Discussion Topic: 4
What are the underlying issues about the election process and the voter rights of the TGP?

Discussion Topic: 5
What are the underlying gaps within the election process and to ensure the voter rights of the TGP?

Discussion Topic: 6
What is your suggestion to overcome the gaps within the election process and to ensure the voter rights of the TGP in Bangladesh?

Discussion Topic: 7
What is your recommendation to ensure the voter rights of the TGP in Bangladesh?

Thank You
Reference


